PATENT
Customer No. 22,852
Attorney Docket No. **09812.0098**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Jun Nishikawa et al.	)	Group Art Unit: 2881
	)	
Application No.: 10/583,607	)	Examiner: Johnston, Phillip A.
	)	
Filed: June 20, 2006	)	Confirmation No.: 2625
	)	
For: PROJECTION OPTICAL SYSTEM AND PROJECTION-TYPE IMAGE DISPLAY APPARATUS	)	

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRE-APPEAL BRIEF CONFERENCE REQUEST

Applicants request a pre-appeal brief conference for review of the final Office Action mailed November 9, 2009, and the Advisory Action mailed January 19, 2010. This Request is being filed concurrently with a Notice of Appeal.

Applicants have met each of the requirements for a pre-appeal brief conference request for review of rejections set forth in an Office Action. This application has been at least twice rejected. Applicants have filed a Notice of Appeal with this request and has not yet filed an Appeal Brief. Applicants submit this Pre-Appeal Brief Conference Request that is five (5) or less pages in length and sets forth legal or factual deficiencies in the rejections. *See* Official Gazette Notice, July 12, 2005.

In the final Office Action[1], the Examiner rejected claim 14 under 35 U.S.C. § 102(b) as being anticipated by Davis (U.S. Patent No. 6,619,804, hereafter "Davis"); rejected claims 14 and 16-20 under 35 U.S.C. § 103(a) as being unpatentable over Hiller (U.S. Patent No. 6,233,024, hereafter "Hiller") in view of Davis[2]; and rejected claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Hiller in view of Davis and in further view of Cotton (U.S. Patent No. 6,719,430, hereafter "Cotton").

In Advisory Action, the Examiner maintained the rejections. Claims 14-20 remain pending and under current consideration. For at least the reasons set forth in the Request for Reconsideration filed December 31, 2009, and the reasons set forth below, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. §§ 102(b) and 103(a).

Independent claim 14 recites "a projection optical system . . . [including] a first optical system that forms an intermediate image of [a] primary image surface; and a second optical system having a concave reflector that forms [a] secondary image surface according to the intermediate image," (emphasis added). The prior art references, alone or combined, fail to teach or suggest at least these elements.

In Advisory Action, the Examiner alleged that "the limitations of claim 14, as broadly interpreted by the examiner, require only the first optical system and second

1 The final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the final Office Action.

2 The Examiner indicated that claims 14 and 16-20 are rejected under 35 U.S.C. § 103(a) based on Hiller, Davis, and Cotton. Final Office Action at 5. However, the Examiner did not discuss Cotton with respect to claims 14 and 16-20. Accordingly, Applicants assume that the Examiner intended to reject claims 14 and 16-20 under 35 U.S.C. § 103(a) based only on Hiller and Davis.

optical system form an intermediate image of a surface, which is taught as illumination path 15a and image path 15b in Davis at Col. 3, line 38-67; Col. 4, line 1-33 and shown in Figure 3." Advisory Action at page 2, emphasis added. The Examiner's allegation is not correct.

Applicants submit that claim 14 does not recite "the first optical system and [the] second optical system form an intermediate image of a surface," as alleged by the Examiner. Id., emphasis added. Rather, claim 14 recites "a projection optical system . . . [including] a first optical system that forms an intermediate image of [a] primary image surface; and a second optical system having a concave reflector that forms [a] secondary image surface according to the intermediate image," (emphasis added).

Applicants call attention to M.P.E.P. § 2111, which provides, "[d]uring patent examination, the pending claims must be 'given their broadest reasonable interpretation consistent with the specification.'" Because the Examiner has interpreted claim 14 in a manner inconsistent with what is actually recited in claim 14, Applicants conclude that the Examiner has not given claim 14 its reasonable broadest interpretation. For at least this reason and the reasons set forth in the Request for Reconsideration filed December 31, 2009, the Examiner's rejections under 35 U.S.C. §§ 102(b) and 103(a) are improper and should be withdrawn.

In view of the foregoing remarks, Applicants request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this request and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 12, 2010

By: /David W. Hill/
David W. Hill
Reg. No. 28,220